

ROBERTA L. STEELE, SBN 188198 (CA)
MARCIA L. MITCHELL, SBN 18122 (WA)
KENA C. CADOR, SBN 321094 (CA)
MARIKO M. ASHLEY, SBN 311897 (CA)
U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
San Francisco District Office
450 Golden Gate Ave., 5th Floor West
P.O. Box 36025
San Francisco, CA 94102
Telephone No. (650) 684-0939
Fax No. (415) 522-3425
roberta.steele@eeoc.gov

Attorneys for Plaintiff EEOC

CHRISTINA T. TELLADO, SBN 298597 (CA)

CHRISTINA T. TELLEAKO, SBN 283088 (CA)
MARY VU, SBN 323088 (CA)

WILLIAM J. SING
POL SINELLI LLP

20249 Century Park East

Suite 2900

Los Angeles, CA 90067

Telephone (310)-556-1801

Fax No. (310)-556-1802

ttellado@polsinelli.com

mvu@polsinelli.com

Attorneys for Defendant TESLA, INC.

(Additional counsel listed on next page)

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION.

Case No.: 3:23-cv-04984-JSC

Plaintiff.

UPDATED JOINT CASE MANAGEMENT CONFERENCE STATEMENT

VS.

TESLA, INC.

Defendant

1 *Additional Counsel:*

2 AMOS BLACKMAN, SBN 50331 (WA)
3 U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
4 Seattle Field Office
5 909 First Avenue, Suite 400
6 Seattle, WA 98104
7 Telephone No. (206) 576-3027
8 Fax No. (206) 220-6911
9 amos.blackman@eeoc.gov

10 *Attorneys for Plaintiff EEOC*

11 SARA A. BEGLEY (*admitted pro hac vice*)
12 DANA E. FEINSTEIN (*admitted pro hac vice*)
13 POLSINELLI LLP
14 Three Logan Square
15 1717 Arch St, Suite 2800
16 Philadelphia, PA 19103
17 Telephone: 215-267-3001
18 Facsimile: 215-267-3002
19 sbegley@polsinelli.com
20 dfeinstein@polsinelli.com

21 TYREE P. JONES JR., SBN 127631 (CA)
22 POLSINELLI
23 1401 I Street, N.W.,
24 Washington, DC 2005-3317
25 Telephone No. (202) 783-3300
26 tjones@polsinelli.com

27 RAYMOND A. CARDOZO, SBN 173263 (CA)
28 REED SMITH LLP
29 101 Second Street, Suite 1800
30 San Francisco, California 94105-3659
31 Telephone No. (415) 543-8700
32 Fax No. (415) 391-8269
33 rcardozo@reeds.com

34 *Attorneys for Defendant TESLA, INC.*

1 Pursuant to the Court's March 27, 2025 Order (ECF 91), Plaintiff U.S. Equal Employment
 2 Opportunity Commission (EEOC) and Defendant Tesla, Inc. (Tesla), (collectively, the parties),
 3 hereby submit the following Updated Joint Case Management Conference Statement (CMC
 4 Statement). In accordance with the Court's Pretrial Order No. 2 and Civil Standing Order this CMC
 5 Statement only addresses new issues. *See* ECF 65; Civil Standing Order at 2, Section E.

6 **1. Motions**

7 There are no pending motions, though the parties are continuing to meet and confer on
 8 ongoing discovery issues that they anticipate could be submitted to the Court in Discovery Dispute
 9 Letters, as summarized below in Section 2 (Discovery).

10 **2. Discovery**

11 a. **Status**

12 On April 2, 2025, the EEOC provided Tesla a supplemental list of individuals who have
 13 sought the EEOC's legal advice and assistance in this action ("Potentially Aggrieved Individuals" or
 14 "PAIs") to date in this action. Thereafter, the parties engaged in discussions regarding the schedule
 15 for the identification and selection of PAIs set forth in Section 1(d) of the parties' Protocol to Limit
 16 Discovery for Potentially Aggrieved Individuals (ECF 67-68) (the "PAI Protocol"). In accordance
 17 with Section 1(e) of the PAI Protocol, the parties agreed to modify the interim rolling schedule for
 18 PAI selections and resulting disclosures as follows:

- 19 • July 1, 2025: 3rd round of PAI selections
- 20 • Sept. 1, 2025: 4th round of PAI selections
- 21 • Sept. 29, 2025: Disclosures for 3rd round of PAI selections
- 22 • Dec. 1, 2025: 5th round of PAI selections
- 23 • Dec. 29, 2025: Disclosures for 4th round of PAI selections
- 24 • Mar. 2, 2026: Disclosures for 5th round of PAI selections

25 The changes to these interim dates do not affect the March 20, 2026 deadline for the completion of
 26 the initial fact discovery period (ECF 65).

27 On May 6, 2025, Tesla made its first production of deposition transcripts from actions
 28 involving allegations of harassment based on race (Black or African American) or retaliation at

1 Tesla's Fremont facility. *See* ECF 87. Tesla supplemented its list of such actions and number of
 2 depositions identified on April 29, 2025, and has committed to making supplemental productions of
 3 deposition transcripts.

4 On June 2, 2025, the parties exchanged disclosures of information concerning the PAIs
 5 selected by the EEOC and Tesla on March 3, 2025 in accordance with the PAI Protocol.

6 b. Pending Discovery Disputes

7 i. **EEOC Communications with plaintiffs in *Department of Fair Employment and***
***Housing v. Tesla, Inc.*, Alameda County Superior Court No. 22CV006830, and**
***Vaughn, et al. v. Tesla, Inc.*, et al., Alameda County Superior Court No. RG**
17882082

8 Tesla Statement: On March 24, the EEOC provided Tesla with its First Privilege Log. Tesla
 9 is still in the process of evaluating the logged communications and anticipates that it may need
 10 additional information or clarification from the EEOC. Tesla will meet and confer with the EEOC to
 11 address any potential disputes prior to briefing any remaining issues in a joint discovery dispute
 12 letter.

13 ii. **Deposition transcripts in actions concerning race harassment at Fremont Facility.**

14 Status: On February 7, 2025, the Court ordered Tesla to identify by March 7 all actions
 15 involving allegations of harassment based on race (Black or African American) or retaliation at
 16 Tesla's Fremont facility, and the number of transcripts to be produced from each action and a
 17 reasonable date by which the transcripts will be produced. *See* ECF 87. Tesla supplemented its list of
 18 such actions and number of transcripts on April 29, 2025. Tesla made an initial production of
 19 responsive transcripts on May 6, 2025, but this production did not include all the transcripts
 20 identified in Tesla's April 29 list. As such, this dispute is not fully resolved, but Tesla has committed
 21 to making supplemental productions of deposition transcripts. Tesla remains committed to producing
 22 the agreed-upon deposition transcripts and is currently working through the procedure set forth in
 23 Section 9 of the Protective Order with respect to transcripts designated as confidential by non-
 24 parties.

25 3. Settlement and ADR

26 The parties' position that ADR is premature has not changed. The Court previously extended
 27

1 the parties' deadline to select an ADR process to November 24, 2025. (ECF 91.) The parties do not
 2 believe a further extension is necessary at this time.

3 Dated: June 4, 2025

4 ROBERTA STEELE
 5 Regional Attorney

6 MARCIA L. MITCHELL
 7 Assistant Regional Trial Attorney

8 KENA C. CADOR
 9 Senior Trial Attorney

10 MARIKO M. ASHLEY
 11 Senior Trial Attorney

12 AMOS BLACKMAN
 13 Senior Trial Attorney

14 BY: /s/ Amos Blackman
 15 Amos Blackman
 16 U.S. EQUAL EMPLOYMENT
 OPPORTUNITY COMMISSION
 Seattle Field Office
 909 First Avenue, Suite 400
 Seattle, WA 98104
 Telephone (206) 576-3027
amos.blackman@eeoc.gov

17 *Attorneys for Plaintiff EEOC*

18 BY: /s/ Tyree P. Jones
 19 Tyree P. Jones Jr., SBN 127631 (CA)
 POLSINELLI
 1401 I Street, N.W.,
 Washington, DC 2005-3317
 Telephone No. (202) 783-3300

20 *Attorneys for Defendant Tesla Inc.*

22 **LOCAL RULE 5-1(i)(3) ATTESTATION**

23 I, Amos Blackman, am the ECF User whose ID and password are being used to file the Joint
 24 Case Management Conference Statement. In compliance with Local Rule 5-1(i)(3), I hereby attest
 that Tyree P. Jones concurs in this filing.

25 Dated: June 4, 2025

/s/ Amos Blackman

26 Amos Blackman, Senior Trial Attorney